IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11162 of 2004

Between:

1 Savalapuraau Raja Rao, S/o. of Dandasi,
Mandal Parishad President, Bhamini Mandal.
2 B. Parvathamma, W/o. Ganapathi,
Billedu Village, Bhamini Mandal, Srikakulam District.
3 Palaka Ramulu, S/o. Narasayya,
Dimmidi Jola Village, Bhamini Mandal, Srikakulam District.

..... PETITIONER(S)

AND

The Revenue Divisional Officer, Palakonda Division, Palakonda, Srikakulam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly a writ in the nature of writ of Mandamus declaring the notice in Form No. 5 dated 21-6-2004 issued by the respondent as illegal and arbitrary and consequently set aside the same,

Counsel for the Petitioners: MR.A.RAVI SHANKAR

Counsel for the Respondent : GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the notice issued by the sole respondent under form No V dated 21-6-2004 to convene a meeting on 7-7-2004 to consider the motion of no confidence against the petitioner herein.

The petitioner No.1 herein claims to be elected President of Bhamini Mandal, Srikakulam district and the petitioners 2 and 3 are members of M.P.T.C. A notice of intention to make a motion expressing want of confidence has been delivered to the respondent and in turn the respondent issued Form –V notice dated 21-6-2004, served on the first petitioner on 22-6-2004 and on second and third petitioners on 26-6-2004. The petitioners question the said notice mainly on the ground that the same is contrary to Rule 3 of the Rules issued vide G.O.Ms.No.200 dated 28-4-1998.

Heard learned counsel for petitioners and learned Government Pleader for Panchayat Raj.

Learned Government Pleader for Panchayat Raj submitted that a the issue raised in the present writ petition is covered by a judgment of this Court in W.P.No.19386 of 2003 wherein on reference a Full Bench of this Court held that "*unless it is shown that the shortfall in the period of notice of the meeting has caused*

some prejudice to the member, neither the meeting nor the proceedings taken thereunder would be said to be invalid".

Since the petitioners herein also challenge the very same issue in the present writ petition, following the judgment of this Court in W.P. No.19386 of 2003 dated 29th April 2004 and for the reasons mentioned therein, the present writ petition is also dismissed. No costs.

_____ N.V.RAMANA,J

2-7-2004

tvk

To

1.. The Revenue Divisional Officer, Palakonda Division, Palakonda, Srikakulam District.

2..2CCs to the G.P. for Home, High Court buildings, A.P., Hyd (OUT)

3..2CD copies

*Form-NIC-OGS/WP{**RLD**}*